

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ELISA POOLE, et al.,

Plaintiffs,

v.

CV No. 19-634 JB/CG

RUSSELL CELLULAR, INC.

Defendant.

**SCHEDULING ORDER**

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to an approximately **“180-day”** discovery track classification.

This Scheduling Order pertains to discovery on class action certification issues only. After Plaintiffs file their motion for conditional certification of class action and that motion has been resolved by the presiding judge, the parties will submit a second Joint Status Report and Provisional Discovery Plan within **14 days** of the presiding judge’s order. The Court will then issue a second Scheduling Order setting forth case management deadlines, including discovery, on the remaining issues.

The termination date for discovery on class action certification issues is **March 16, 2020**, and discovery on class action certification issues shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery on class action certification issues (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **April 6, 2020**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiffs' motion for conditional certification of class action shall be filed with the Court, and served on the opposing party, by **May 6, 2020**. Defendant's response brief shall be filed on or before **May 27, 2020**, and Plaintiffs' reply brief shall be filed on or before **June 10, 2020**. Plaintiffs' motion for conditional certification of class action filed after the above date shall, in the discretion of the Court, be considered untimely. If documents are attached as exhibits to motions, affidavits, or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Plaintiffs shall have until **October 30, 2019**, to join additional parties and to amend the pleadings. Defendant shall have until **November 29, 2019**, to join additional parties and to amend the pleadings.

Further case management deadlines will be set following resolution of the motion for conditional certification of class action. The Court shall not schedule any deadlines pertaining to expert witnesses and expert reports pursuant to FED. R. CIV. P. 26(a)(2)(B), until after there is a ruling on Defendant's forthcoming motion for conditional certification of class action.

**IT IS SO ORDERED.**



---

THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE